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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO COURTHOUSE

BRANDON GRAY,

Case No. 1:21-cv-01086-NONE-BAM

Plaintiff,

V.

CITY OF OAKDALE, a municipal corporation; City of Oakdale Police Department Officers DOES 1-10, individually; CITY OF MODESTO, a municipal corporation; City of Modesto Police Department Officers DOES 11-20, individually; COUNTY OF STANISLAUS, a public entity; Stanislaus County Sheriff's Department Deputies DOE 21-30, individually; California Highway Patrol Officers DOES 31-40, individually; and DOES 41-100, Jointly and Severally.

Defendants.

**STIPULATED REQUEST AND ORDER TO
CONTINUE SCHEDULING CONFERENCE
AND EXTEND DUE DATE FOR JOINT
SCHEDULING REPORT**

Plaintiff, BRANDON GRAY (“Plaintiff”), by and through his counsel of record, Defendant CITY OF MODESTO (“CITY”), by and through its counsel of record, and Defendant CITY OF OAKDALE, by and through its counsel of record, hereby respectfully stipulate and request as follows:

1. On or about July 12, 2021, Plaintiff filed his operative complaint in this matter.

2. The CITY was then served with Plaintiff's Complaint, on or about September 13, 2021.

The CITY's responsive pleading deadline was October 4, 2021.

3. Pursuant to the continued meet and confer discussions of the parties, the parties, through counsel, stipulated that the deadline for the CITY to respond to the complaint be extended from October 4, 2021 to October 25, 2021, and filed a stipulation to that effect. S
No. 11.

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4. A stipulation has also been submitted, and signed by the Court, extending the due date for a responsive pleading to be filed by the County of Stanislaus. ECF No. 10.

5. The City of Oakdale has filed an Answer. ECF No. 8. However, it is the understanding of the undersigned counsel for Plaintiff and counsel for Defendant City of Modesto that counsel for the City of Oakdale, Mr. Praet, is out of town and unavailable at present for purposes of offering available dates. As such, the undersigned counsel do not know what future dates Mr. Praet is available on for purposes of proposing a future date on which to continue the Scheduling Conference.

6. In view of the extensions of time for responsive pleadings to be filed by the County of Stanislaus and the City of Modesto, and the present unavailability of Mr. Praet, the undersigned counsel hereby respectfully request that the upcoming Initial Scheduling Conference, currently set for October 12, 2021, be continued to a to-be-determined, future date; that date preferably would be submitted in a future, stipulated request. Alternatively, it can be a date selected by the Court, based on the Court's availability and calendar.

7. Additionally, in view of the foregoing, the parties will not be able to submit the Joint Scheduling Report that is due today, one week in advance of the Initial Scheduling Conference that is set for October 12, 2021. As such, the undersigned respectfully request that the Court excuse the filing of the Joint Scheduling Report that is due, and instead, permit the parties to file it one week in advance of the continued scheduling conference.

IT IS SO STIPULATED.

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Dated: October 5, 2021

Respectfully submitted,

ALLEN, GLAESSNER,
HAZELWOOD & WERTH, LLP

By: /s/ Patrick D. Moriarty
PATRICK D. MORIARTY
JOHN B. ROBINSON
Attorneys for Defendant
CITY OF MODESTO

Dated: October 5, 2021

THE LAW OFFICE OF SANJAY S. SCHMIDT

By: /s/ Sanjay S. Schmidt*
SANJAY S. SCHMIDT
Attorneys for Plaintiff
BRANDON GRAY

Dated: October 5, 2021

FERGUSON, PRAET & SHERMAN

By: /s/ Bruce D. Praet*
BRUCE D. PRAET
Attorneys for CITY OF OAKDALE
Defendants

*Mr. Schmidt and Mr. Praet gave their consent to file this document via CM-ECF.

ORDER

Having considered the Parties' request, and good cause appearing, the Scheduling Conference is HEREBY CONTINUED to **December 16, 2021, at 9:30 AM in Courtroom 8 (BAM) before Magistrate Judge Barbara A. McAuliffe**. The parties shall file a Joint Scheduling Report one week prior to the conference. The parties shall appear at the conference remotely with each party connecting either via Zoom video conference or Zoom telephone number. The parties will be provided with the Zoom ID and password by the Courtroom Deputy

1 prior to the conference. The Zoom ID and password are confidential and are not to be shared.
2 Appropriate court attire required.

3 IT IS SO ORDERED.
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5 Dated: October 6, 2021

6 /s/ *Barbara A. McAuliffe*
7 UNITED STATES MAGISTRATE JUDGE

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